

Title	Ethics Training for Judicial Council Members and Judicial Branch Employees (adopt Cal. Rules of Court, rule 6.301)
Summary	Proposed rule 6.301 would require that Judicial Council members and certain judicial branch employees take an ethics orientation course within six months of assuming their positions and every two years thereafter.
Source	Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee
Staff	Mark Jacobson, Attorney, 415-865-7898
Discussion	<p>Since 1999, new members of the Judicial Council and some employees of the appellate courts and the Administrative Office of the Courts (AOC) and have been taking an ethics orientation course that is required for certain officers and employees of “state agencies” by Government Code section 11146 et seq. The statute, which became effective January 1, 1999, requires these individuals to complete the ethics training within six months after assuming their positions and every two years thereafter. It also requires state agencies to offer their “filers” an orientation course on the ethics statutes and regulations that govern the official conduct of state officials. “Filers” denotes members, officers, and employees of a state agency who are required to file a statement of economic interests under the Political Reform Act.</p> <p>It is clear that these statutes do not apply to trial court employees. As to appellate court employees, it is unsettled whether appellate courts are “state agencies” within the meaning of Government Code sections 11146 and 82049. Therefore, it is unclear whether the statutes apply to appellate court employees.</p> <p>Since Government Code section 11146 took effect, the Office of the Attorney General has offered an online ethics course to filers who are covered by the statute, i.e., those who are required to file an annual statement of economic interests. Completion of this course, which requires approximately one and one-half hours, satisfies the statutory requirement. The AOC’s Education Division is in the process of developing an online course geared specifically toward members of the judicial branch. The course will be available to Judicial Council members and judicial branch employees by January 1, 2004, which would be the effective date of the proposed rule.</p>

Because the statutory ethics training requirement applies only to “state agencies” and because the scope of that term is unclear, there is a gap in the existing legal requirement for ethics training. Trial court employees are not required to take this training, and it is not clear whether other members of the judicial branch are required to take it. This proposed rule would fill the breach by specifying ethics training requirements for members of the Judicial Council and all judicial branch employees who are required to file a statement of economic interests. The result would be to ensure that members of the judicial branch are appropriately trained on ethics issues.

Specifically, the proposed rule would mandate that Judicial Council members and judicial branch employees (including trial court employees) who are required to file a statement of economic interests take an ethics orientation course within six months of assuming their positions and every two years thereafter. This requirement parallels the one now contained in section 11146 for officers and employees of state agencies. The proposed rule would not apply to justices and judges or to commissioners and referees, because they are already required to attend ethics training if they wish to receive coverage under the Commission on Judicial Performance master insurance policy. In addition, new judges, commissioners, and referees attend New Judge Orientation, which contains a two-and-a-half day ethics component.

The text of the new rule is attached.

Attachment

Rule 6.301 of the California Rules of Court would be adopted effective January 1, 2004 to read:

1 **Rule 6.301. Ethics Training for Judicial Council Members and Judicial Branch**
2 **Employees**

3
4 (a) **[Authority]** This rule is adopted under section 11146 et seq. of the
5 Government Code and Article VI, section 6 of the California Constitution.

6
7 (b) **[Definitions]** For purposes of this rule, “judicial branch employee” includes
8 an employee of a trial or appellate court or the Administrative Office of the
9 Courts, but does not include court commissioners or referees.

10
11 (c) **[Judicial Council members and judicial branch employees]**

12
13 (1) The Administrative Office of the Courts must provide an ethics
14 orientation course for Judicial Council members and for judicial branch
15 employees who are required to file a statement of economic interests.

16
17 (2) Judicial Council members must take the orientation course within six
18 months of appointment. If a member is appointed to a subsequent term,
19 he or she must take the course within six months of the reappointment.

20
21 (3) Judicial branch employees who are required to file a statement of
22 economic interests must take the orientation course as follows:

23
24 (A) For employees who have taken the orientation course before the
25 effective date of this rule, at least once during each consecutive
26 two calendar years after the date of the last attendance.

27
28 (B) For new employees, within six months of becoming an employee
29 and at least once during each consecutive two calendar years
30 thereafter.
31